

**Perry City Planning Commission  
3005 South 1200 West  
7:00 PM May 5, 2016**

**Members Present:** Chairman Blake Ostler, Commissioner Vicki Call, Commissioner Devin Miles, Commissioner Lawrence Gunderson, and Commissioner Travis Coburn (7:15 p.m.)

**Members Excused:** Commissioner Craig Pickett

**Others Present:** Greg Westfall, Perry City Administrator; Susan K. O Bray, Minutes Clerk; Russ Naylor, David Daniels, Louise Daniels, Mayor Karen Cronin, Marsha Brockenwell, Dave Dudley, Trent Richards, Cody Richards, Shara Holt, Brian Chapman, Diana Chapman, Steven Hoyt, Brett Jones, Jones & Associates; Cory Summers

**1. 7:00 p.m.- Call to Order and Opening Ceremonies**

Chairman Ostler welcomed and called the May 5, 2016 meeting to order.

**A. Invocation**- Travis Coburn

Invocation was given by Commissioner Gunderson.

**B. Pledge Allegiance to the U.S. Flag**- Vicki Call

The Pledge of Allegiance was led by Vicki Call.

Chairman Ostler stated that Mayor Cronin wanted to take a few minutes.

Mayor Cronin stated that she wanted to express her gratitude from her and the council to the Planning Commission for all of their hard work with the Large Animal Ordinance. She said she is aware that the Planning Commission has spent a lot of time on the Large Animal Ordinance and that the City Council approved it at their last meeting. She commented that the Planning Commission is very thorough.

**C. Declare Conflicts of Interest, If any**

Conflicts of interest will be addressed on each item.

**D. Review and Adopt the Agenda**

**MOTION:** Commissioner Call moved to adopt the agenda. Commissioner Miles seconded the motion. Roll call vote.

Commissioner Call Yes

Commissioner Gunderson Yes

Commissioner Miles Yes

Chairman Ostler Yes

**Motion Approved:** 4 Yes 0 No

**E. Approval of the April 7, 2016 Minutes**

Chairman Ostler and Commissioner Miles had a few corrections to the minutes.

**MOTION:** Commissioner Miles moved to amend and approve the minutes for the April 7, 2016 meeting. Commissioner Call seconded the motion. Roll call vote.

Commissioner Call Yes

Commissioner Miles Yes

Chairman Ostler Yes

Commissioner Gunderson Yes

**Motion Approved:** 4 Yes 0 No

**F. Make Assignments for Representative to Attend City Council Meeting(s) (May 12<sup>th</sup>, and May 26<sup>th</sup>)**

Chairman Ostler stated that Commissioner Miles and himself attended the April 28<sup>th</sup> City Council meeting and reported that the City Council passed the Large Animal Ordinance as proposed by the Planning Commission. Commissioner Miles stated that he could attend the May 26<sup>th</sup> City Council Meeting. Commissioner Gunderson stated that he could attend the May 12<sup>th</sup> City Council Meeting.

Vice Chairman Coburn arrived at 7:15 pm

**MOTION:** Commissioner Call moved to close the regular meeting and open the public hearing portion of the meeting. Commissioner Coburn seconded the motion. Roll Call vote.

Commissioner Gunderson Yes

Commissioner Call Yes

Commissioner Miles Yes

Vice Chairman Coburn Yes

Chairman Ostler Yes

**Motion Approved:** 5 Yes 0 No

**2. Approx. 7:10 p.m. Public Hearings and Public Comments**

**A. 7:10 pm- Public Hearing Regarding an Application for a Lot Line Amendment for the Kunzler Subdivision 1045 W 3600 S, Parcels 02-038-0003 and 02-038-0044, Applicant David Daniels**

Greg Westfall, Perry City Administrator, stated that this application is to decrease lot 3 by approximately 100 feet. Mr. Westfall stated that this will increase the size of lot 4. Mr. Daniels stated that the main thing is 1/3 acre and that is the requirement. There were no public comments.

**B. 7:15 pm- Public Hearing Regarding a Conditional Use Application for Peachy Kleen Car Wash, Parcel 03-246-0031, 2209 S Hwy 89, Applicant Trent & Sarah Richards.**

Greg Westfall stated that this application is for a car wash on Hwy 89 that is directly north of the Maverik. Greg explained the layout of the car wash. Mr. Westfall stated that it has already received concept approval and they are now asking for preliminary and final approval. He explained that the developers are very aware that we normally do not do preliminary and final together. Greg stated that it can be done as long as all the questions are answered, however there is still the option if all the questions are not addressed to just do preliminary and then do final at the next meeting.

**Brian Chapman:** Mr. Chapman stated that he lives to the north of the proposed property. He said that he is worried about the noise and the lighting. He stated that he would like to see a good block wall put in.

**Diane Chapman:** She stated that it is hard to comment when they haven't heard all the details.

**Jim Flint:** Mr. Flint stated that there are 67 to 70 vehicles a day that would be 6 trips an hour. He said that the traffic impact will be minimal.

**Trent Richards:** Mr. Richards stated that 80-85% of the traffic is from Maverik anyway. He said it is not incrementally new. He said it will be incrementally new 10-15 cars. The idea of having it next to the Maverik is to glean customers from the Maverik that would like to get a car wash as well.

**Russ Naylor:** Mr. Naylor stated that he would like to comment on the lighting. He said we don't want to have lighting trespass over to the adjacent properties. He said the lighting on the east side of the building will be soffit light which will be light down from the base of the building. Mr. Naylor explained that the rest of the lighting will be part of the vacuum canopies in the front of the building so people will be able to see a little bit better if they vacuum their cars at night. He felt they have been sensitive with what they are proposing.

**Trent Richards:** Mr. Richards stated that they are going to put a cement fence along the east side for sure, and had anticipated doing an 8 foot chain link fence with privacy slats along the north. He said that they thought of vinyl but they tend to get kicked over and melt. Trent stated that the privacy slates will be cross hatched.

**MOTION:** Commissioner Coburn moved to close the public hearing and open the regular meeting. Commissioner Gunderson seconded the motion. Roll call vote.

Commissioner Gunderson Yes

Commissioner Call Yes

Commissioner Miles Yes

Vice Chairman Coburn Yes

Chairman Ostler Yes

**Motion Approved:** 5 Yes 0 No

### C. Public Comments

**Steven Hoyt:** Mr. Hoyt stated that his concerns are with the proposed changed usage of the detention pond. He said that when he purchased the property he bought it for the sole purpose of not having a neighbor and that it would remain a detention pond and stay public. Mr. Hoyt stated that he has a concern with the size of the parcel that it is significantly smaller than the other adjacent lots. He was also concerned about the subdivision covenants that they be enforced or not enforced. Mr. Hoyt stated if someone brings a double wide in there and parks it, it will substantially lower the value of a lot

of homes in that area. He said that his neighbors that live around him have similar concerns. Mr. Hoyt stated he would like further explanation of what could be done with that parcel whether it remain public or be made into a park. He would like disclosure on the intentions and the covenants, things that may be enforced if someone bought that property. He said it is interesting that something that is deeded can be taken back in by a municipality and turned around and sold for gain. He stated that he has concerns and questions on that also.

**Cory Summers:** Mr. Summers stated that he is on the other side of the detention pond. He said that they purchased their lot with the idea that it would be open space. Mr. Summers stated that they both graded their yards as such so the berms would remain. He said if it is a sold lot then the property owner has the right to go in and change the survey of that site which would affect both of our properties.

### **3. Land Use Applications**

#### **A. Business License Approval for Twisted Dragon Concessions (Mobile Food Truck), Business Address 375 Lauralin Drive Logan UT 84321**

Marsha Brockenwell, owner of the Twisted Dragon Concessions stated that she would like to sell food out of her food truck. She said that Robin Matthews with Matthews Fruit Stand has offered to let her park her food truck in front of her fruit stand while it is open. She said she is also contacting the construction company that is working I-15 and see if they would like me to park at the rest area so she could get the contractors business. Commissioner Coburn assumed that she would bring it to the city and set it up and take it home at the end of the day. Mrs. Brockenwell stated that was true.

Commissioner Call asked if those were the only two locations that she is thinking of. Mrs. Brockenwell said those are the only two for now and if she finds another place she will bring it before the Planning Commission.

Commissioner Call stated that Matthews Fruit Stand opens seasonally; she asked if she would do it seasonally. Mrs. Brockenwell stated that it would.

Commissioner Call asked once the construction is done, would she be finished out there also. Mrs. Brockenwell stated that she would be. Commissioner Call asked if she was going to look at other sites. Mrs. Brockenwell stated that she would like to but she would like to see what is available and how well she is received. Commissioner Call asked if her business would only be open the same hours as the business where you are parked. Mrs. Brockenwell said that she has to have access to a public restroom via the Health Department.

Commissioner Call asked if she has her approvals from the Health Department. Mrs. Brockenwell stated that she has her health department

approval, food safety management approval, and her insurances. Commissioner Call stated she is not clear if this kind of business is allowed by our ordinances. Greg Westfall stated that it has not been addressed. He said that is why it is coming before the Planning Commission. Greg stated that it is located in the NC2 zone and those types of businesses are allowed in that zone per conditional use. So there can be conditions placed on the application. Vice Chairman Coburn stated that we have food trucks at the 4<sup>th</sup> of July. Greg Westfall stated that they have to get an event permit and proof of insurance, and it is just a one time permit. Commissioner Miles stated if at any time she feels this is not a good location she needs to come back before the Planning Commission so they can give her their approval.

**MOTION:** Commissioner Call moved to approve the business license for the Twisted Dragon Concessions with a conditional use permit and with the condition if at any time she changes locations she would need to come back to the city and the Planning Commission. Commissioner Miles seconded the motion.

Greg Westfall asked that the additional condition be put on where it will only be in operation during the business hours of the business that it will be located.

**MOTION:** Commissioner Call moved to approve the business license for the Twisted Dragon Concessions with a conditional use permit with the condition that if at any time she changes locations she would need to come back to the city and the Planning Commission and that it would only operate during the operating hours of the property owners business hours. Commissioner Miles seconded the motion. Roll call vote.

Commissioner Gunderson Yes  
Commissioner Miles Yes  
Chairman Ostler Yes

Commissioner Call Yes  
Vice Chairman Coburn Yes

**Motion Approved:** 5 Yes 0 No

**B. Final Approval and Recommendation to the City Council for a Lot Line Amendment for the Kunzler Subdivision 1045 W 3600 S, Parcel 02-038-0003 and 02-038-0044, Applicant David Daniels**

Commissioner Call asked why they would want to make that lot smaller. Mr. Daniels stated that for better use of the larger piece of ground. Commissioner Call asked what it was zoned. Susan stated that it was zoned R1/3. Chairman Ostler asked about lot 3 and if it would maintain the setbacks for a R1/3 lot. Mr. Daniels stated that it would. Chairman Ostler stated that the new lot 4 has the same tax ID number as Richard Olson. Mr. Daniels stated that he

would let Hansen & Associates know. Chairman Ostler stated that the owners dedication show that they will sign it personally, but the county shows it in a trust. They will need to sign it as Trustees.

**MOTION:** Commissioner Gunderson moved to approve and recommend to the City Council the Lot Line Adjustment for the Kunzler Subdivision. Vice Chairman Coburn seconded the motion. Roll call vote.

Commissioner Gunderson	Yes	Commissioner Call	Yes
Commissioner Miles	Yes	Vice Chairman Coburn	Yes
Chairman Ostler	Yes		

**Motion Approved:** 5 Yes 0 No

**C. Preliminary/Final Approval and Recommendation to the City Council for a Conditional Use Application for Peachy Kleen Car Wash, Parcel 03-246-0031, 2209 S Hwy 89, Applicant Trent & Sarah Richards.**

Russ Naylor, Architect for the Richards, stated that they changed the elevations a little bit, they proposed it be a PVC and concrete filled panel for the walls, Trent and his wife prefer it to be two colors and split with base block. He said that it makes it more attractive. Mr. Naylor stated that he did go back and enhance the landscape a little bit.

Trent Richards stated that he was sent the City Engineers comments and he responded with a pretty detailed response. Trent stated that he did his own traffic study. He did that on April 30, 2016 from 10AM to 2 PM at the Wasatch Hills Drive/Hwy 89 intersection. Mr. Richards described the traffic study and what the outcome was. This will be attached to the minutes. He said that the car wash anticipates having 67 to 75 patrons per day. Spread over a 12-hour time period this equates to approximately 6 vehicles per hour (1 every 10 minutes).

Trent stated that he feels he has alleviated a lot of the City Engineers concerns. Brett stated a couple of concerns that they had were traffic, storm drain, and water surface. He said he thought the applicants did a good job at studying the traffic concern. Brett stated that his primary concern is where people are trying to get out of the Car Wash to Maverick and it doesn't line up. He said that UDOT usually approves access from Hwy 89. He stated that they usually want 300 feet back before they will allow an access. Brett stated that we had hoped that they would have found a way to line it up better. He said it is safe as far as the traffic situation and is not a concern there. Mr. Jones asked where the concrete wall was. Mr. Richards stated that it is along

the east side as a residential buffer and a slatted chain link fence against the north side. Mr. Jones stated he didn't know if the neighbors had any concern with that for sound, or would they prefer the concrete. Mr. Jones stated that this is subject to design review. He said they are looking at a 2 inch service and want to do a 1 1/2 inch meter that will adequately handle the flow. Brett stated that the applicants did a really good job with the storm drain in making something that was constructed wrong work.

Greg Westfall stated that it is allowed by Conditional Use. Mr. Westfall stated that they may want to talk about the north fence. Commissioner Gunderson stated that it would be really nice for the neighbor to have a brick wall on the north side. Cody Richards stated that they would be willing to talk about that. He said it is hard to talk about that right now because there are a lot of options. Brett Jones asked the applicant why they were looking at a precast wall on the east. Mr. Naylor stated that they thought that it was all residential on the east and they thought that it was commercial on the north. Greg Westfall stated that he is correct it is zoned that way, however we have current residential in that zone. Trent Richards stated that car washes love home bound traffic. He said most of the people that will use the car wash will be turning right and then right again. Brett Jones stated that the conflict is basically is the closest bay they have no way to turn around. Mr. Naylor stated that there is plenty of room to turn around.

Vice Chairman Coburn stated this development is zoned commercial. Chairman Ostler stated it is NC2 zone. Vice Chairman Coburn stated then he sees conditional use permit red flags start flying. He asked why are we doing a conditional use permit, isn't it only good for a year? He asked what the better process was. Susan Obray stated that the conditional use permits are reviewed by the Special Uses and Appeals Board every year. She said the board asks if there are any problems or complaints regarding the businesses. Greg Westfall stated this is something we are in the process of looking at the Conditional Use Permits, and it is the current process that we have. Vice Chairman Coburn asked if the applicant was planning on recycling the water. Trent Richards said they are going to recycle their own water. Vice Chairman Coburn asked if they were planning on doing heated concrete. Trent Richards stated that they were. Vice Chairman Coburn asked if they were going to allow RV's. Trent Richards stated that the openings are 11X 6 so it can accommodate an RV. Vice Chairman Coburn asked if the RV's would be able to turn. Mr. Richards stated that they would. They would have to wash the front first and pull it in and then wash the back. Mr. Richards stated that they will put clearance signs up.

Vice Chairman Coburn stated that he likes the idea of having a sound wall on the north side for the neighbors. Commissioner Call stated in our ordinances it says that there is supposed to be a 25 foot buffer between the NC2 and the residential zone to the east which has that been verified. Brett stated that the buffer is the landscape buffer. He said it is a building setback. Brett stated that his interpretation is that it is well in excess of 25 feet. Commissioner Call stated that it says a minimum buffer of 25 feet is required between any NC2 zone commercial use and adjacent residential property. Chairman Ostler stated that there is further clarifying language. It says if the proposed parcel borders residential properties, the proposed conditional use permit parcel must be large enough to provide a 25 foot landscape buffer for adjacent residential property. Russ Naylor stated that there is a large row of trees that will buffer along that property to the north. Commissioner Call stated that it is a 10 foot buffer not a 25 foot buffer.

Trent Richards stated that the money for the precast fence is in escrow. He said he has sent the car wash plans to Mr. Knowles the owner of the adjacent lots. Commissioner Call asked the Planning Commission if they could violate their own ordinances by allowing a 10 foot instead of a 25 foot buffer. Chairman Ostler stated that we have some room to propose another condition. Commissioner Call stated that in the fence ordinance it says 6 foot high masonry or a commercial quality comparable fence be installed on the property line. Cody Richards stated that it is hard to commit to the type of fence but it will be comparable. Commissioner Miles stated that he would like to see enter and exit signs. He said the signs need to be very noticeable. Mr. Naylor stated that they will put directional signs up. Chairman Ostler stated that the ordinance states recommended business hours are restricted from 6am to 9 pm if they are adjoining residential properties. He said the applicant has applied for 24 hours a day. He stated that the hours from 6am to 9pm are set because of the traffic, noise, and lights of a business if it adjoins residential properties. Commissioner Gunderson stated that a block fence would keep out more noise to the north. Trent Richards stated that if it will alleviate the concerns regarding the fence, perhaps he can meet that as a condition. Chairman Ostler stated that our ordinance states that written approval shall be obtained by UDOT prior to the recommendation by the Planning Commission for the final approval of the development plan. Greg Westfall stated that UDOT does not give approval if it does not access Highway 89.

**MOTION:** Commissioner Call moved to approve Preliminary and Final, acknowledging the 24 hours of operation deviance from the ordinance, acknowledging the deviance of the ordinance regarding the 25 foot landscape



zone with the fence on the east side, and the 10 feet. Specifying the fence to the north and what we think it should be. Specifying the signage that was requested and that the signage and fence to the north be verified by the engineers. And make a recommendation to the City Council for approval. Commissioner Miles seconded the motion. Roll call vote.

Commissioner Gunderson Yes  
Commissioner Miles Yes  
Chairman Ostler Yes

Commissioner Call Yes  
Vice Chairman Coburn Yes

**Motion Approved:** 5 Yes 0 No

Greg Westfall stated that this agenda item will be on the May 26, 2016 City Council Meeting.

**D. Final Approval and Recommendation to the City Council for the Perry City Center Subdivision Phase 2 Amended**

Greg Westfall stated that this subdivision has had final approval before. He said that they have come to an agreement with the other land owner. He stated that the last site plan had a property line that would have left a remainder parcel, and our ordinances don't allow for remainder parcels. Greg stated that we have come to an agreement with this property owner and a land swap. He stated that the property owners will be purchasing that remainder parcel. Greg explained that the property line was changed so that it will be one parcel. Vice Chairman Coburn stated then the property owner will own lot 6. Commissioner Call stated it will be an "L" shaped lot. Greg confirmed. Greg stated the only access is from 900 west.

**MOTION:** Commissioner Coburn moved to recommend to the City Council for final approval for Perry City Center Subdivision Phase 2. Commissioner Gunderson seconded the motion. Roll call vote.

Commissioner Gunderson Yes  
Commissioner Miles Yes  
Chairman Ostler Yes

Commissioner Call Yes  
Vice Chairman Coburn Yes

**Motion Approved:** 5 Yes 0 No

**E. Concept/Preliminary Approval for Evans Canyon One Lot Subdivision**

Greg Westfall stated that the City is the application on this agenda item. Greg stated that the city owns a detention basin in the Ansley Subdivision. He explained that the City Council has approved a city project creating a regional detention basin down on Hwy 89. He said it will take the Ansley detention

basin offline and also three others. Greg advised that this detention basin will no longer be needed in this location. He said there is the need to take care of the water that comes from this subdivision that required this detention basin in the first place. We still need to accommodate for the water. Greg said that this is a .32 acre parcel. He said we are asking to go through the process to make this a buildable lot with in this area so it can be sold as a buildable lot. Brett Jones stated that the primary purpose of taking these detention basin offline is they are primarily in people's backyards. He said the idea was to take these detention basins offline and create a regional one that was piped down to Hwy. 89. Greg stated that by taking 4 detention basins offline and making one detention basin, we are able to maintain it a lot better.

Brett Jones stated that access to some of the other basins is difficult. The City would have to go through easements and access people's property to maintain them. Greg stated that Concept/Preliminary does not require a public hearing. He said the applicant would come back a month later asking for final which would accompany a public hearing at that time. He said there would be a recommendation to the City Council for final approval. He stated if approved then three weeks later it would go to the City Council.

Commissioner Miles asked what the existing lot sizes were. Greg Westfall stated that the one directly to the south is just shy of a half acre. He said he didn't have lot 13 or 14 lot sizes. Cory Summers, owner of lot 13 stated that it is .39 acres. Brett stated the lot to the south is in a different subdivision.

Commissioner Gunderson asked when the Ansley basin was approved. Brett Jones stated it was in 2007. He said at that time the ordinances did not require that the detention ponds be landscaped. Brett Jones stated that it was a condition for Orchard View to connect to it. Brett Jones asked if there were protective covenants in the adjacent subdivisions. Cory Summers and Steven Hoyt stated that they exist in Ansley Subdivision. Mr. Hoyt's concern was that if a homeowner came in and changed the burms that already exist. He said that he found out about this meeting on Tuesday and the meeting is tonight. Mr. Hoyt stated that his concern is the impact that it will have on his property based on what a homeowner could do on that lot. Chairman Ostler stated by the ordinances the lot fits in this subdivision. Brett Jones stated that it fits preliminary and has had an internal review on it. He said that they could put a note on the plat that indicates that the grading has to meet certain criteria. Commissioner Call asked if the city had considered turning this into a park. Greg Westfall stated that we have a lot of small neighborhood parks and it takes a lot of time just to maintain.

**MOTION:** Vice Chairman Coburn moved to approve concept/preliminary for Evans Canyon One Lot Subdivision. Commissioner Call seconded the motion. Roll call vote.

Commissioner Gunderson Yes

Commissioner Call Yes

Commissioner Miles Yes

Vice Chairman Coburn Yes

Chairman Ostler Yes

**Motion Approved:** 5 Yes 0 No

**4. Land Use Ordinances, Zoning, Design Guidelines, General Plan, Etc.**

**A. None**

**5. Training**

**None**

**6. Review Next Agenda and Adjourn**

**A. Review Agenda Items for Thursday, June 2, 2016**

**(1)** Training on the General Plan

**(2)** Discussion on Conditional Use Permits

**B. Motion to Adjourn**

**MOTION:** Commissioner Coburn moved to adjourn. Commissioner Gunderson seconded the motion. All in favor.